

## **Agricultural Marketing Service, USDA**

## **§ 1214.107**

such domestic producer or importer's share of the ownership.

(b) Proxy voting is not authorized, but an officer or employee of an eligible corporate domestic producer or importer, or an administrator, executor, or trustee or an eligible entity may cast a ballot on behalf of such entity. Any individual so voting in a referendum shall certify that such individual is an officer or employee of the eligible entity, or an administrator, executive, or trustee of an eligible entity and that such individual has the authority to take such action. Upon request of the referendum agent, the individual shall submit adequate evidence of such authority.

(c) All ballots are to be cast by mail as instructed by the Department.

(d) Eligible domestic producers or eligible importers may be asked to provide proof of sales or acreage as proof of eligibility to vote in any referendum.

### **§ 1214.103 Instructions.**

The referendum agent shall conduct the referendum, in the manner provided in this subpart, under the supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions of this subpart, to govern the procedure to be followed by the referendum agent. Such agent shall:

(a) Determine the period during which ballots may be cast.

(b) Provide ballots and related material to be used in the referendum. The ballot shall provide for recording essential information, including that needed for ascertaining whether the person voting, or on whose behalf the vote is cast, is an eligible voter.

(c) Give reasonable public notice of the referendum:

(1) By utilizing available media or public information sources, without incurring advertising expense, to publicize the dates, places, method of voting, eligibility requirements, and other pertinent information. Such sources of publicity may include, but are not limited to, print and radio; and

(2) By such other means as the agent may deem advisable.

(d) Mail to eligible domestic producers and importers whose names and

addresses are known to the referendum agent, the instructions on voting, a ballot, and a summary of the terms and conditions of the proposed Order. No person who claims to be eligible to vote shall be refused a ballot.

(e) At the end of the voting period, collect, open, number, and review the ballots and tabulate the results in the presence of an agent of a third party authorized to monitor the referendum process.

(f) Prepare a report on the referendum.

(g) Announce the results to the public.

### **§ 1214.104 Subagents.**

The referendum agent may appoint any individual or individuals necessary or desirable to assist the agent in performing such agent's functions of this subpart. Each individual so appointed may be authorized by the agent to perform any or all of the functions which, in the absence of such appointment, shall be performed by the agent.

### **§ 1214.105 Ballots.**

The referendum agent and subagents shall accept all ballots cast. However, if an agent or subagent deems that a ballot should be challenged for any reason, the agent or subagent shall endorse above their signature, on the ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefore, the results of any investigations made with respect thereto, and the disposition thereof. Ballots invalid under this subpart shall not be counted.

### **§ 1214.106 Referendum report.**

Except as otherwise directed, the referendum agent shall prepare and submit to the Administrator a report on the results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to the analysis of the referendum and its results.

### **§ 1214.107 Confidential information.**

The ballots and other information or reports that reveal, or tend to reveal, the vote of any person covered under the Order and the voter list shall be

## § 1214.108

strictly confidential and shall not be disclosed.

### § 1214.108 OMB control number.

The control number assigned to the information collection requirement in this subpart by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35 is OMB control number 0581-0267.

## PART 1215—POPCORN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

### Subpart A—Popcorn Promotion, Research, and Consumer Information Order

#### DEFINITIONS

- Sec.
- 1215.1 Act.
  - 1215.2 Board.
  - 1215.3 Board member.
  - 1215.4 Commerce.
  - 1215.5 Consumer information.
  - 1215.6 Department.
  - 1215.7 Fiscal year.
  - 1215.8 Industry information.
  - 1215.9 Marketing.
  - 1215.10 Part and subpart.
  - 1215.11 Person.
  - 1215.12 Popcorn.
  - 1215.13 Process.
  - 1215.14 Processor.
  - 1215.15 Programs, plans, and projects.
  - 1215.16 Promotion.
  - 1215.17 Research.
  - 1215.18 Secretary.
  - 1215.19 State.
  - 1215.20 United States.

#### POPCORN BOARD

- 1215.21 Establishment and membership.
- 1215.22 Nominations and appointment.
- 1215.23 Acceptance.
- 1215.24 Term of office.
- 1215.25 Vacancies.
- 1215.26 Removal.
- 1215.27 Procedure.
- 1215.28 Compensation and reimbursement.
- 1215.29 Powers.
- 1215.30 Duties.

#### PROMOTION, RESEARCH, CONSUMER INFORMATION, AND INDUSTRY INFORMATION

- 1215.40 Programs, plans, and projects.
- 1215.41 Contracts.

#### EXPENSES AND ASSESSMENTS

- 1215.50 Budget and expenses.
- 1215.51 Assessments.
- 1215.52 Exemption from assessment.

## 7 CFR Ch. XI (1–1–13 Edition)

- 1215.53 Influencing governmental action.

#### REPORTS, BOOKS, AND RECORDS

- 1215.60 Reports.
- 1215.61 Books and records.
- 1215.62 Confidential treatment.

#### MISCELLANEOUS

- 1215.70 Right of the Secretary.
- 1215.71 Suspension or termination.
- 1215.72 Proceedings after termination.
- 1215.73 Effect of termination or amendment.
- 1215.74 Personal liability.
- 1215.75 Patents, copyrights, inventions, publications, and product formulations.
- 1215.76 Amendments.
- 1215.77 Separability.

### Subpart B—Rules and Regulations

#### DEFINITIONS

- 1215.100 Terms defined.

#### EXEMPTION PROCEDURES

- 1215.300 Exemption procedures.

#### MISCELLANEOUS

- 1215.400 OMB control numbers.

AUTHORITY: 7 U.S.C. 7481–7491 and 7 U.S.C. 7401.

SOURCE: 62 FR 39389, July 22, 1997, unless otherwise noted.

### Subpart A—Popcorn Promotion, Research, and Consumer Information Order

#### DEFINITIONS

#### § 1215.1 Act.

*Act* means the Popcorn Promotion, Research, and Consumer Information Act of 1995, Subtitle E of Title V of the Federal Agriculture Improvement and Reform Act of 1996, Pub. L. 104–127, 7 U.S.C. 7481–7491, and any amendments thereto.

#### § 1215.2 Board.

*Board* means the Popcorn Board established under section 575(b) of the Act.

#### § 1215.3 Board member.

*Board member* means an officer or employee of a processor appointed by the Secretary to serve on the Popcorn Board as a representative of that processor.